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ABSTRACT

A review of the ethical standards established by the forensic community for use of evidence in contest speaking reveals that (1) there is a paucity of specific ethical guidelines established for contest speaking in the textbook literature, and (2) the standards outlined are stated in terms of "unethical behavior" rather than of positive guidelines for appropriate ethical behavior. Most textbooks focusing on the coaching of contest speaking address the use of evidence from a "qualitative" rather than an "ethical" perspective, although the forensic community has experssed a concern about this issue. The National Forensic Association and the American Forensic Association have established some guidelines on the ethical aspect of evidence usage. Unfortunately, the only section of the National Forensic Association code to specifically address the use of evidence focuses on the issue of plagiarism, but with little amplification of the term or the many variations of willful distortion that may also be considered unethical for contest speaking. The code of the American Forensic Association focuses on three concerns--fabrication, distortion, and plagiarism--and outlines a penalty for contest violators. Thus it is the obligation of the forensic community as a whole both to establish ethical regulations for contest speakers and to hold contestants accountable for violations. (HTH)

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Ethics and Evidence: The Ideal

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> John Dewey in the 1920's suggested that moral rules in America were like castles built in air and had little contact with the affairs of everyday life. "What we need," Dewey said," is to have these moral principles brought down to the ground, through their statements in social and psychological terms.... All the rest is mint, anise, and cumin."[1]

Introduction

In general, Americans in the 1980's appear to be more concerned than ever with the issue of "ethics" and, as John Dewey stated, to have ethical principles "brought down to the ground." This surge of interest in studying moral behavior has lead to the development of courses in ethical behavior as well as the development of more explicit codes of conduct in business, professional, and educational settings. It seems only appropriate then that we should investigate the ethical nature of forensics; specifically, the ethical use of evidence in contest speaking. Now that we have explored the ethical evidence standards forensic judges and contestants claim to uphold during competition and before we explore the ethical evidence standards actually employed by forensic contestants, let's examine the ethical standards established by the forensic community for use of evidence in contest speaking. A cursory review of such standards produces two apparent findings: 1) there is a paucity of specific ethical guidelines established for contest speaking in the textbook literature and 2) the standards outlined are stated in terms of "unethical behavior" rather than positive guidelines for appropriate ethical behavior.

Ethical Use of Evidence in Contest Speaking

Most textbooks which focus on the coaching of contest speaking address the use of evidence from a "qualitative" rather than an "ethical" perspective. Discussion of evidence usage for specific individual events typically includes a description of the types of supporting evidence available as well as traditional tests of evidence credibility. Most discussion of the ethical use of evidence in contest speaking is limited almost exclusively to a discussion of plagiarism. For example, Faules et al. only "suggest" that the individual events of extemporaneous speaking and persuasive speaking be evaluated in part by "sure use of supporting material;"[2] there are no clearly-defined guidelines for the ethical use of supporting material. Klopf and Lahman provide only a bit more specificity concerning the ethical use of evidence when they note that "not more than 150 words of quoted material should be used and that direct quotes are set off by quotation marks; plagiarism is forbidden."[3] In both of these noted texts on coaching contest speaking there is no amplification of the term "plagiarism" or the many variations of willful distortion which may be considered unethical for contest speaking.

While the textbooks on coaching contest speaking provide little focus on the ethical use of evidence, the forensic community as a whole has clearly demonstrated a concern for this issue. The National Developmental Conference on Forensics at Sedalia brought forensic scholars together for the purpose of identifying common concerns and establishing common goals for the forensic activity. Among several issues addressed,

the conferees offered a resolution which introduced the ethical goal of forensics and the role of coaches in furthering goal. The resolution stated the following philosophy:

> Forensics should promote adherence to the ethical and scholarly obligation of the advocate, including respect for the integrity of evidence, accurate representation of the ideas of others, and rigorous examination of beliefs.[4]

This resolution specifically encouraged forensic scholars to pursue an understanding of evidence used to make claims in contest speaking and urged forensic contestants to present that evidence in an ethical manner. Addressing the issue of evidence usage in contest speaking, the Sedalia Conference offered this resolution:

> Evidence should be evaluated not by its quantity, but by its quality determined in part by its credibility and audience acceptability. Thoroughness and care must be exercised in finding, recording, and documenting evidence. Advocates should recognize their ultimate responsibility for all evidence they use, whether discovered by them or by others.[5]

Discussion following this resolution in the conference report focused on the concern for both inappropriate and inaccurate use of evidence. For the most part, inaccuracies in evidence usage were considered by the conferees as a result of carelessness or deliberate distortion. Regardless of the intent, however, forensic scholars viewed ethical evidence usage as the responsibility of the contest speaking who used the evidence. In addition, the conferees noted that even if the evidence had been commercially reproduced with inaccuracies or gathered by

another individual who committed the inaccuracies, the user is still accountable for its ethical consideration in the contest setting.[6]

Evidence "Codes" in Forensics

Since most forensic textbooks do not address the ethical aspect of evidence usage in contest speaking extensively, it seems most appropriate to explore briefly the guidelines established by two organizations which offer national competition in contest speaking--the National Forensic Association and the American Forensic Association.

National Forensic Association Code of Ethics

The Rules and Ethics Committee of the National Forensic Association proposed an official "Code of Ethics" which was adopted by the organization in Spring, 1979. Although the document represents an attempt to outline ethical guidelines for the contest speaker, the only section of the code which specifically addresses the use of evidence focuses on the authorship of supporting material. The National Forensic Association ruling states the following:

> ...those portions of any research speech which are the ideas or actual words of any other author than the competitor should be credited to the actual author.[7]

While this specific guidelines focuses solely on the issue of plagiarism, there is little amplification of the term "plagiarism" or the many variations of willful distortion which may also be considered unethical for contest speaking. Further, the organization offers no specific guide-

lines for documenting evidence used in the speech; specifically, no guidelines posit appropriate documentation information required in the contest speech. The final portion of the ethics document states that the National Forensic Association Executive Council holds the right to disqualify from competition any student who violates this tournament code.

American Forensic Association Code of Ethics

The American Forensic Association Professional Relations Committee recently revised the "Code of Forensic Program and Forensic Tournament Standards for Colleges and Universities." Article II entitled "Competition Practices" outlines perhaps the most detailed set of ethical standards for evidence usage in contest speaking proposed by any forensic organization. At the risk of distorting the information in Article II, the revised text focuses on three major issues: fabrication, distortion, and plagiarism. The revised text states the following:

1. Forensics competitors shall not use fabricated or distorted evidence.
   A. Evidence is defined as factual material (statistics and examples) and/or opinion testimony offered as proof of a debater's or a speaker's contention, claim, position, argument, point or case.
   B. Fabrication of evidence refers to falsely representing a cited fact or statement of opinion as evidence when the material in question is not authentic. Fabricated evidence is so defined without reference to whether or not the debater or speaker using it was the person responsible for fabricating it.
   C. Distorted evidence refers to misrepresenting the actual or implied content of factual or opinion evidence. Distorted evidence is so defined without reference to whether or not the debater or speaker using it was the

person responsible for distoring it. Distortions include, but are not limited to:

(1) quoting out of context.
(2) misrepresenting the evidence so as to alter its meaning.
(3) omitting salient information from quotations or paraphrases. MLA Standards will be considered advisory with respect to this standard.
(4) adding words to a quotation which were not present in the original source of the evidence without identifying such an addition.
(5) failure to provide complete documentation of the evidence (name of author(s), source of publication, full date, page numbers and author(s) credentials where available in the original) when challenged. Debaters and speakers are expected to be in possession of the forms of documentation listed here at the time they used any evidence which was challenged.

2. In individual events which involve original student speech compositions (oratory/persuasion, informative/expository, after-dinner/epideictic, rhetorical criticism, impromptu, and extemporaneous or other similar speaking contests), the speaker shall not commit plagiarism.
   A. Plagiarism is defined as claiming another's written or spoken words as one's own, or claiming as one's own a significant portion of the creative work of another.
   B. A speech in individual events competition is considered plagiarized when the student presenting it was not the principal person responsible for researching, drafting, organizing, composing, refining and generally constructing the speech in question.
3. Forensics competitors are expected to do their own research.
   A. Persons other than the forensic competitor (undergraduate students, graduate students or instructor/coaches) are not to be charged with the responsibility for doing a forensics competitor's research.
   B. This provision shall not be construed to prevent coaches or assistants from engaging in limited research designed to:
      (1) teach research techniques
      (2) provide limited examples of high school quality research

(3) identify areas of research which students should pursue, and
(4) provide the coach with tne working knowledge necessary to function as effective critic with respect to the debate or speech topics being investigated by his/her students.[8]

This code establishes specific guidelines for governing ethical evidence usage surrounding the issues of evidence fabrication, evidence distortion, and plagiarism. With these guidelines clearly defined, Article V of the code clearly outlines the penalty for violators:

3. In instances of evidence distortion and/or fabrication, the judge(s) shall automatically award the decision in the debate to the opposing team and give the offending speaker zero speaker points, noting the violation of the rules of evidence on the ballot as the reason for the judges decision and points. In individual events, the judge(s) will treat evidence distortion and/or fabrication by giving the offending speaker zero points and by dropping that speaker from the speaker rankings to be assigned at the end of the round. The judge(s) will note the violation of the rules of evidence on the ballot as the reason for the points and no-rank given.
4. Speakers found guilty of plagiarism will be disqualified from the round in which the plagiarism occurred, with zero speaker points and no rank assigned and plagiarism noted on the ballot as the reason for the judge's action.
5. A judge who makes a decision on the basis of evidence distortion, evidence fabrication or plagiarism will immediately report his/her action to the tournament director. The tournament director will, as soon as possible, investigate the incident and determine if the offending speaker should be declared ineligible for further competition, elimination rounds or awards at the tournament. Directors should base such decisions on the severity of the case involved.
6. Tournament directors must report, to the Chair of the PRC, any and all instances of judge decisions granted for reasons of evidence

> distortion, evidence fabrication or plagiarism. If the Chair receives, in any given academic year, two such complaints involving the same student, the student will be declared ineligible for national competitions or awards sponsored in whole or in part by the AFA for a period of 12 calendar months from the date of the second offense. The student will be informed when notification of the second offense is received. The student has the right to appeal that the penalty should not be imposed, under the appeal procedures outlined in Article IV, Section 4 of the code. Notice of the student's ineligibility for national competitions sponsored by the AFA will appear in the AFA newsletter, with a letter by the AFA President sent to appropriate officials at the offending student's school.[9]

Penalties outlined by the American Forensic Association Code of Ethics concerning evidence usage clearly address the student in question and may include implications for the offending student's coach and University. Beyond disqualification from regional and national tournament competition, public notification in the AFA Newsletter and to "appropriate school officials" may hold additional ramifications for those who surround the competitor.

Conclusion

The growing concern over ethical behavior and specifically the ethical use of evidence in contest speaking is apparent. Thomas R. Nilson in his book Ethics of Speech Communication reinforced the ethical obligations of communicators when he wrote the following:

> Every act of speech is essentially a social act, influencing the attitudes or behaviors of the receivers. Therefore, rather than attempting to divide communication into moral and nonmoral, we

> will think of every communicative act having an ethical component--as carrying some degree of ethical charge. Virtually every act of speech, then, involves an ethical obligation.[10]

In the forensic setting, there are two specific ethical obligations which become apparent. First, it is the obligation of the forensic community to outline those "ethical obligations" of the contest speaker as specifically as possible. Identifying and encouraging positive, appropriate, ethical behavior as well as identifying and discouraging negative, inappropriate, unethical behavior is essential if we are to educate our speech competitors on ethical issues. Second, forensic educators and critics must be willing to hold student competitors accountable for their ethical choices concerning evidence usage. While questions of ethical evidence usage are difficult to confront when suspected violations occurs, ethical standards become innocuous if they are ignored. Hopefully, information presented and discussion generated on such issues at professional meetings will continue to reinforce these obligations of the forensic community.

REFERENCES

[1]James Hassett, "Is It Right? An Inquiry Into Everyday Ethics," Psychology Today, June (1981), 49.

[2]Don F. Faules, Richard D. Rieke, and Jack Rhodes, Directing Forensics (Denver: Morton Publishing Co., 1976), 250.

[3]Donald W. Klopf and Carroll P. Lahman, Coaching and Directing Forensics (Skokie, Ill.: National Textbook Co., 1976), 206-207.

[4]James H. McBath, ed., Forensics as Communication (Skokie, Ill.: National Textbook Co., 1976), 16.

[5]McBath, 33.

[6]McBath.

[7]Report of the National Forensic Association Rules and Ethics Committee, adopted at the National Forensic Association's National Individual Events Tournament, April, 1979.

[8]"American Forensic Association Professional Relations Committee Code of Forensics Program and Forensics Tournament Standards for Colleges and Universities," AFA Newsletter, June, 1982, 12-13.

[9]AFA Newsletter, 14.

[10]Thomas R. Nilson, Ethics of Speech Communication (Indianapolis: Bobbs-Merrill Co, Inc., 1966), 12.